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OFFICE OF PETITIONS

In re Application of	:	
Tzoganakis, et al.	:	
Application No. 09/762,765	:	ON PETITION
Filed: May 1, 2001	:	
Attorney Docket No. 1811-228 MIS/ah	:	
For: MELT PHASE HYDROSILYLATION	:	
OF POLYPROPYLENE	:	

This is a decision on the petition under 37 CFR 1.181, filed December 13, 2005, to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is GRANTED.

This application was held abandoned on July 29, 2005 for failure to respond in a timely manner to the non-final Office action, mailed April 28, 2005, which set a three (3) month period for reply. A Notice of Abandonment was mailed November 25, 2005.

Petitioners assert that a proper response was in fact timely filed on July 15, 2005. In support, petitioners submit a copy of the amendment with a proper certificate of facsimile transmission affixed to the transmittal letter.

Under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The transmittal letter bears a proper certificate of mailing, dated July 15, 2005, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. In addition, the person signing

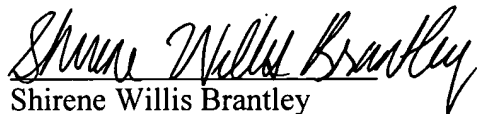
the certificate, Registered Practitioner Michael Stewart, had reasonable basis to expect that the correspondence would be transmitted on July 15, 2005.

To further support the petition, petitioners have submitted their sending unit's confirmation report, showing that an eleven page document was successfully transmitted to the Office's centralized facsimile number on July 15, 2005.

Therefore, the response to the April 28, 2005 non-final Office action is considered timely filed. Accordingly, the petition is **GRANTED**, the Notice of Abandonment is hereby vacated, and the holding of abandonment withdrawn.

After the mailing of this decision, the application file will be forwarded to Technology Center A.U. 1713 for consideration of the amendment filed July 15, 2005 and resubmitted with the present petition.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



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for Patent Examination Policy